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**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**OAKLAND DIVISION**

ALEC OTTO, Individually and on Behalf of All  
Others Similarly Situated,

Plaintiff,

v.

NANO F/K/A RAIBLOCKS F/K/A HIEUSYS,  
LLC; COLIN LEMAHIEU; MICA BUSCH;  
ZACH SHAPIRO; TROY RETZER; BG  
SERVICES, S.R.L. F/K/A BITGRAIL S.R.L.  
F/K/A WEBCOIN SOLUTIONS; and  
FRANCESCO "THE BOMBER" FIRANO,

Defendants.

Case No. 4:19-cv-00054-YGR (SK)

**PROPOSED STIPULATED REVISED  
CLASS CERTIFICATION AND  
DISCOVERY BRIEFING SCHEDULE**

Case No. 4:19-cv-00054-YGR (SK)

**PROPOSED STIPULATED REVISED CLASS CERTIFICATION AND DISCOVERY BRIEFING  
SCHEDULE**

Pursuant to Civil Local Rule 6-2 and this Court's Order on October 26, 2020 (the "Order"), Plaintiff Alec Otto ("Otto") and Defendants Nano f/k/a RaiBlocks f/k/a Hieusys, LLC, Colin LeMahieu, Mica Busch, Zack Shapiro, and Troy Retzer (collectively, the "Nano Defendants", and together with Lead Plaintiff, the "Parties"), by and through their respective counsel, submit proposed stipulated revised class certification and discovery briefing schedule (the "November Updated Schedule Stipulation"). The November Updated Schedule Stipulation will reset the applicable deadlines previously set by the May 15, 2020 Revised Pretrial Schedule [ECF No. 118] (the "Revised Pretrial Schedule"). In support of this request, the Parties stipulate as follows:

WHEREAS, on November 18, 2019, the Court issued an Order entering the Pretrial Schedule in this proceeding [ECF No. 80] (the "Initial Pretrial Schedule"), which included a briefing schedule and hearing date on former named Plaintiff Mr. Fabian's then-forthcoming motion for class certification.

WHEREAS, on May 15, 2020, the court granted, in part, Mr. Fabian's administrative motion for a continuance of the deadlines set by the Initial Pretrial Schedule, with the Court thereupon entering the Revised Pretrial Schedule [ECF No. 118].

WHEREAS, the pretrial dates with respect to class certification set forth in the Revised Pretrial Schedule were, in part, as follows:

Motion for Class Certification Filed by:	Tuesday, August 4, 2020
Opposition to Class Certification Filed and Expert Report Rebuttals Filed by:	Tuesday, October 20, 2020
Reply in Support of Motion for Class Certification Filed by:	Tuesday, December 1, 2020
Expert Discovery Cutoff Date	
Hearing on Class Certification Motion	Tuesday, January 12, 2021

WHEREAS, on September 7, 2020, Mr. Fabian filed his motion to withdraw as a plaintiff and withdraw the Motion for Class Certification without prejudice [ECF No. 150] (the "Motion to Withdraw"), and putative class members Craig Clemens, Anan Thamarnan, Alec Otto, Kyle Penn,

James Supple, Michael Migliero, Peter Dedes, Jesse Case, Michael Oliver, Robert Ireland, Edward Seimon, Matthew Battistini, and Kadeem Blanchard filed their motion to intervene in this Action and for leave to file a second amended complaint [ECF No. 151].

WHEREAS on October 26, 2020, this Court issued an Order: (i) allowing Mr. Fabian to withdraw as named plaintiff without prejudice to remain a punitive class member; (ii) withdrawing the pending motion for class certification without prejudice (ECF No. 144); (iii) allowing Alec Otto to substitute Mr. Fabian as named Plaintiff in this Action; (iv) mandating Supplemental Pleadings be filed specific to Alec Otto's transactions (the "Supplemental Pleadings"); (iv) mandating Defendants file their answer to the supplemental pleadings seven (7) days thereafter (the "Supplemental Answer"); and (v) mandating that the Parties jointly file a proposed schedule resetting the deadlines in this matter as to permitting fact discovery of Mr. Otto and providing for a renewed briefing schedule on Plaintiff's renewed motion for class certification seven (7) days after the filing of the Supplemental Answer.

WHEREAS, per this Court's October 26, 2020 Order, Plaintiff filed his Supplemental Pleadings on November 2, 2020. [ECF No. 161].

WHEREAS, per this Court's October 26, 2020 Order, Defendants filed their Supplemental Answer on November 9, 2020. [ECF No. 164].

WHEREAS, the Parties, through counsel, have conferred and agree that the remaining pretrial deadlines as set by the Revised Pretrial Schedule should be revised as follows:

Renewed Motion for Class Certification Filed by:	Two weeks from the date that the Court approves the November Updated Schedule Stipulation
Opposition to Class Certification Filed and Expert Report Rebuttals Filed by:	28 days after the deposition of Alec Otto, which the parties anticipate will occur in the middle of January
Cut off for Discovery from Defendants' Experts:	28 days after filing of Defendants' Opposition Brief
Reply in Support of Renewed Motion for Class Certification Filed by:	42 days after the filing of Defendants' Opposition Brief(s)
Hearing on Class Certification Motion	Subject to Court availability

1           **NOW, THEREFORE, A STIPULATED REQUEST IS HEREBY SUBMITTED** by these  
2 Parties, through counsel, for an order granting the November Updated Schedule Stipulation, and to so-  
3 order the above briefing and discovery dates.

4 **SO STIPULATED.**

5 Dated: November 16, 2020

Respectfully submitted,

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16 *LeMahieu, Troy Retzer, Mica Busch, and Zack Shapiro*

18  
19 **FILER'S ATTESTATION**

20 Pursuant to Civil Local Rule 5.1 regarding signatures, I attest that concurrence in the filing of  
21 this document has been obtained from the other signatories.

22 /s/ Donald J. Enright

23 Donald J. Enright

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE